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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,880	05/21/2004	Shohei Fujisawa	119822	8700
25944	7590	02/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			MACCHIAROLO, PETER J	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,880

Applicant(s)

FUJISAWA, SHOHEI

Examiner

Peter J. Macchiarolo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/21/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, Species "A" in the reply filed on 02/03/2006 is acknowledged. The traversal is on the ground(s) that the search and examination can be made without serious burden on the examiner. Regarding the traversal of Group I, this is not found persuasive since the search for a light source would not encompass the specific method of manufacturing the light source. The requirement is still deemed proper and is therefore made FINAL. However, regarding the traversal of Species "A", this is found persuasive and the species requirement is hereby withdrawn. Therefore, the current status of claims 15-19, and 23-25 are withdrawn as per 37 CFR 1.142(b), while an official action on the merits is presented below to remaining claims 1-14.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 09/21/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term, "the projector according to claim 1," lacks antecedent basis. Furthermore, where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989). It is not clear if the claim refers to an additional projector, or the same projector as previously claimed. For the purpose of Examination, the Examiner is interpreting the claim to recite only one projector having one light source. See MPEP § 2173.05(o).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al (USPN 20040032744; "Nishizawa") in view of Bertling et al (USPN 5440456; "Bertling").

Regarding claim 1, Nishizawa discloses in figure 1 a light source unit, comprising: an arc tube (30) having a light emitting section, electrodes and sealed sections provided on both sides of the light emitting section, discharging emission being performed between the electrodes; an elliptic reflector (20) having a reflecting surface of a substantially elliptical shape to emit a luminous flux radiated from the arc tube in a certain direction; a lens (50); a lamp housing (10) to set a direction of an optical axis of the elliptic reflector, the lamp housing including a lens positioning member (44) in which the collimator lens is fixed, the collimator lens being positioned and fixed to the lamp housing by the lens positioning member in a state in which the optical axis of the elliptic reflector and an optical axis of the collimator lens are aligned.

Nishizawa is silent to using a collimating lens.

However, this is a well-known configuration that forms a beam of light which meets specific requirements as evidenced by Bertling.

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Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the light source unit of Nishizawa with a collimating lens in order to meet certain platform requirements.

Regarding claim 2, Nishizawa discloses in figure 1 the lens positioning member being formed integrally with the lamp housing, via (100a).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa in view of Bertling in further view of Applicant cited Inaba (JP 2000028887; "Inaba").

Regarding claim 3, Nishizawa and Bertling are silent to using thermal caulking.

However, using thermal caulking instead of screws is an obvious modification to reduce manufacturing time, as evidenced by Inaba. One would be further motivated to this arrangement based on material availability and certain platform requirements.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Nishizawa and Bertling with thermal caulking.

Claims 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa in view of Bertling in further view of Chouji et al (USPN 6161953; "Chouji").

Regarding claim 4, Nishizawa and Bertling are silent to fixing the positioning member with an adhesive agent.

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However, using an adhesive or using screws are art recognized equivalents, as evidenced by Chouji. Further, one would be motivated to substitute an adhesive for a screw in Nishizawa and Bertling's device for a variety of reasons, including material availability, and operation methods requiring sensitive parameters.

Therefore, because these two materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute an adhesive for a screw in Nishizawa and Bertling's device.

Regarding claim 5, Nishizawa discloses the light source is formed with a flange on the outer periphery of the lens.

Regarding claim 6, Nishizawa discloses an entire outer peripheral surface of the collimator lens is adhered and fixed to the lens positioning member.

Regarding claim 7, Nishizawa and Kenjo both discloses an angle of an extremity of the flange formed around the outer periphery of the collimator lens is an acute angle between 30 and 90°. One would be motivated to this configuration to allow for easy manufacturing techniques.

Regarding claim 8, the Examiner notes that the preamble recites that the light source is used for in a projector. This is an intended use type preamble, since it merely recites the intended use of a light source. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the

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preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the preamble has been considered, however is not patentable over the prior art since the light source can be used in a projector.

Regarding claims 9-14, the limitations therein have been previously addressed above and will not be repeated here. The reasons for combining and motivation are the same as previously discussed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Specifically, USPN 5422793 to Kobayashi is evidence that an automobile headlight can be used as a projector, thereby supporting the above rejection to claim 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'J. Williams', with a large, stylized 'M' or 'W' flourish extending from the end.

Joseph Williams
JOSEPH WILLIAMS
PRIMARY EXAMINER